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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL J. BANCROFT,

Defendant and Appellant.

B268547

(Los Angeles County
Super. Ct. No. BA434714)

APPEAL from a judgment of the Superior Court of Los Angeles County, C. H. Rehm, Judge. Affirmed.

Jared G. Coleman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Michael Bancroft entered a plea of guilty to the charge of failing to register as a sex offender following release from incarceration, in violation of Penal Code section 290.015, subdivision (a). Bancroft also admitted serving two prior prison terms within the meaning of Penal Code section 667.5, subdivision (b).

On June 4, 2015, the trial court sentenced Bancroft to five years in state prison. Execution of sentence was suspended, and Bancroft was placed on three years of formal probation on various terms and conditions, including the following: (1) report to a 52-week residential drug treatment program; (2) report to his probation officer within 48 hours of his release; (3) abstain from drugs; and (4) appear in court for progress reports.

The probation officer filed a report on August 14, 2014, indicating Bancroft had failed to comply with the conditions of probation in that he never reported for probation services, made no payments toward his financial obligations, and did not submit proof of registration as a sex offender or enrollment in a residential drug treatment program. Probation was summarily revoked and a bench warrant was issued.

Defendant appeared in court for a formal probation violation hearing on October 4, 2015. A probation department investigator testified to defendant's non-compliance with the conditions of probation. Defendant testified that he was taken to the residential drug treatment program, but was turned away because of his status as a sex offender. Bancroft explained that he promptly relapsed on methamphetamines, failed to contact his probation officer, and failed to appear in court. The trial court found defendant in violation of his probation, terminated probation, and imposed the suspended sentence. Bancroft filed a timely notice of appeal.

This court appointed counsel to represent Bancroft on appeal. On April 15, 2016, appointed counsel filed a brief raising no issues, asking this court to independently review the record for arguable appellate contentions under *People v. Wende* (1979) 25 Cal.3d 436. Bancroft was advised of his right to file a supplemental brief within 30 days. No supplemental brief has been filed.

We have completed our independent review of the record. Our review of the record reveals no arguable contentions on appeal. The record reflects that Bancroft was

notified of his obligations to comply with the conditions of his probation and he failed to do so. Bancroft had notice of the allegations against him, was represented by counsel, and had the opportunity to contest the allegations. At the probation violation hearing, Bancroft testified on his own behalf, admitted to relapsing and failing to contact his probation officer, and asked for a second chance at probation. The probation violation finding by the trial court is supported by substantial evidence based on Bancroft's admissions and the sworn testimony of a probation investigator. The punishment imposed was within the discretion of the trial court.

The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, Acting P. J.

We concur:

BAKER, J.

RAPHAEL, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.